



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

January 3, 2012

✓ Eugene Dale Tyler
Citizens to Recall Lance MacLean

REDACTED

Re: Warning Letter

FPPC No. 10/019

Dear Mr. Tyler:

The Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").¹ This letter is in response to a referral from the Mission Viejo City Clerk alleging that you and the Citizens to Recall Lance MacLean committee ("Committee") failed to provide the street addresses for paid signature gatherers and made expenditures over \$100 in cash.

The Commission has completed investigation into the facts of this case. Specifically, the Commission found that you and the Committee failed to timely disclose the street addresses for paid signature gatherers and failed to maintain required records.

The Act provides in Section 84211, subdivision (k), for each person to whom \$100 or more has been made during the period of the campaign statement, among multiple requirements, the street address of the person to whom the expenditure was made must be disclosed in the campaign statement. Additionally, Section 84300, subdivision (b), requires that no expenditure of \$100 or more shall be made in cash. Further, Section 84104 requires that ballot measure committees and the treasurers of those committees maintain the detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that a campaign statement was properly filed, and to comply with the campaign reporting provisions of the Act.

¹The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

You and the Committee violated the Act because you failed to timely disclose the street addresses for signature gatherers on the campaign statement for the period July 1, 2009, through August 30, 2009 and failed to maintain sufficient campaign records as required by the Act. However, the Commission has decided to close this matter with an issuance of this warning letter based on the facts that: 1) the Commission did not find a violation of making a single expenditure of \$100 or more in cash; 2) you and the Committee amended the campaign statement to disclose the street addresses of the paid signature gatherers prior to the February 2, 2010 election; and 3) you and the Committee have no prior enforcement history.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me at (916) 324-8787 with any questions you may have regarding this letter.

Sincerely

REDACTED

Briagette Castillo
Commission Counsel
Enforcement Division